IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5846 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHUDHA MUNICIPALITY THROUGH CHIEF OFFICER,

Versus

MEHBOOD HUSSAIN M SHAIKH

Appearance:

1. Special Civil Application No. 5846 of 2000

MR HJ NANAVATI for Petitioner No. 1

MR DG CHAUHAN for Respondent No. 1-6

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 22/07/2004

ORAL JUDGEMENT

1.0. The petitioner-Municipality has approached this Court against the order of the Labour Court, Nadiad dated

29th April, 2000 passed in Reference [L.C.N.] No.2 of 2000. The petitioner Municipality has raised question of jurisdiction, in view of the fact that earlier also the same employee had filed complaint being complaint no. 1 of 1999.

2.0. Without entering into the merits of the case and also to protect the interest of both the sides, the following directions will serve the ends of justice ;-

(1) The petitioner - Municipality will approach the Labour Court within two weeks with appropriate application for modification of the order passed by the Labour Court in Reference [L.C.N.] No.2 of 2000 dated 29th April, 2000.

(2) Both the sides will co-operate with the proceedings before the Labour Court. The Labour Court shall complete the proceedings within four weeks from the filing of the application.

(3) It is also made clear that if the petitioner Municipality is given adjournment, then it will be open for the Labour Court to extend the protection in favour of the workman.

(4) The Labour Court while deciding the issue may also consider the decision of Full Bench of this Court in the case of Amreli Municipality v. Gujarat Pradesh Municipal Employees Union delivered in Special Civil Application No. 5746 of 1999 and allied matters dated 9th July, 2004.

2.1. It is also made clear that the interim relief granted by the Labour Court is extended only upto 22nd August, 2004, with the stipulation that if the petitioner-Municipality seeks adjournment, then the interim relief will be extended by the Labour Court. It will be open for the petitioner - Municipality to move an application in complaint as well as Reference.

With the above direction, the petition is disposed of. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

/phalguni/